

**CHAPTER NO. 652**

**SENATE BILL NO. 2809**

**By Rochelle, Person**

**Substituted for: House Bill No. 2064**

**By Maddox, Overbey, Briley, Bowers, Fitzhugh, Brenda Turner**

AN ACT To amend Tennessee Code Annotated, Title 33 and Title 68, Chapter 985 of the Public Acts of 2000, and Chapter 282 of the Public Acts of 2001, relative to services provided to developmentally disabled individuals in Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-106, is amended by adding the following, appropriately designated subsection:

( ) Nothing in this part shall require a certificate of need for a home care organization which is authorized to provide only professional support services as defined in Tennessee Code Annotated, Section 68-11-201.

SECTION 2. Tennessee Code Annotated, Section 68-11-201, is amended by adding a new, appropriately designated item as follows:

( ) "Professional support services" means nursing and occupational, physical or speech therapy services provided to individuals with mental retardation or developmental disabilities pursuant to a contract with the state agency financially responsible for such services.

SECTION 3. Tennessee Code Annotated, Section 68-11-201(17), is amended by deleting paragraphs (D) and (F) from the item, and redesignating the remaining paragraphs accordingly.

SECTION 4. Tennessee Code Annotated, Section 68-11-201(14), is amended by deleting from the first sentence of paragraph (14)(A) the language "or hospice services" and substituting the language ", professional support services or hospice services,".

SECTION 5. Tennessee Code Annotated, Section 68-11-201(14)(A), is amended by deleting the word "or" at the end of item (iii); by adding at the end of subdivision (iv) the word "or "; and by adding the following language as a new subdivision to be designated as follows:

(v) Contracts to provide professional support services with the state agency financially responsible for services to individuals with mental retardation or developmental disabilities;

SECTION 6. Tennessee Code Annotated, Section 68-11-201(14), is amended by deleting from the first sentence of paragraph (14)(C), the language "or hospice services" and substituting instead the language ", professional support services or hospice services".

SECTION 7. Tennessee Code Annotated, Section 68-11-201(14), is amended by inserting between the word "patient" and the punctuation "," of the last sentence of paragraph (14)(D) the following:

. The standards for licensure of professional support services shall be the same as those applicable to personal support services agencies licensed under Title 33; provided the department adopts by rule additional standards specifically for professional support services after consultation with the Commissioner of Mental Health and Developmental Disabilities. In regulating home care organizations authorized to provide professional support services, the department shall rely on the review of such organizations conducted by the Department of Mental Health and Developmental Disabilities, and the survey by the department of such organization shall not duplicate the reviews conducted by the Department of Mental Health and Developmental Disabilities.

SECTION 8. Tennessee Code Annotated, Section 68-11-216, is amended by adding to subdivision (b)(1) the following sentence at the end of the subdivision:


Home care organizations authorized to provide only professional support services shall pay an annual fee of eight hundred dollars (\$800), except that home care organizations authorized to provide only professional support services that also pay a fee to be licensed by the Department of Mental Health and Developmental Disabilities shall pay an annual fee of two hundred dollars (\$200).

SECTION 9. Section 3 of Chapter 985 of the Public Acts of 2000, as amended by Section 11 of Chapter 282 of the Public Acts of 2001, is amended by deleting the language "July 1, 2002" and by substituting instead the language "January 1, 2003".

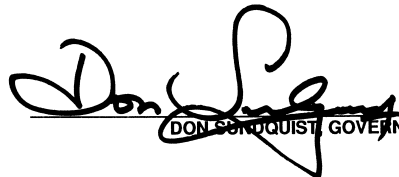
SECTION 10. Section 3 of this act shall take effect on January 1, 2003, and all other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 17, 2002**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 24<sup>th</sup> day of April 2002**

  
DON SUNDQUIST, GOVERNOR